

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

MONIQUE ZORDAN,

Plaintiff,

- against -

THE TRAVELERS HOME AND MARINE
INSURANCE COMPANY,

Defendant.

Docket No.: __ CV __

NOTICE OF REMOVAL

ECF CASE

PLEASE TAKE NOTICE that, pursuant to 28 U.S.C. §§ 1441 and 1446, Defendant The Travelers Home and Marine Insurance Company (“Travelers”) hereby files this Notice of Removal of the above-captioned action to the United States District Court for the Southern District of New York from the Supreme Court of the State of New York, New York County, where the action is now pending under Index No. 654848/2017, and states:

1. On or about July 17, 2017, Plaintiff Monique Zordan (“Plaintiff”) commenced this action in the Supreme Court of the State of New York, New York County by filing a summons and complaint (the “Complaint”), and the action is now pending in that court.

2. By stipulation executed and filed on August 4, 2017 (“the Stipulation”), the undersigned counsel accepted service of the summons and complaint on behalf of Travelers, and Plaintiff voluntarily discontinued her action against a party sued herein as “The Traveler’s Companies, Inc.” and agreed that the original complaint and caption be deemed amended accordingly.

3. This is a civil action to recover for alleged property damage under an insurance policy and the United States District Court for the Southern District of New York has jurisdiction by reason of the parties’ diversity of citizenship.

4. Upon information and belief, Plaintiff is now, and at the time the action was commenced, a citizen of the State of New York residing at 75 Wall Street, New York, New York. The property damage alleged in Plaintiff's complaint was purportedly to certain personal property located at 75 Wall Street, New York, New York.

5. Defendant Travelers is now and was at the time the action was commenced a citizen of the State of Connecticut. Travelers is a foreign corporation organized, formed and incorporated under the laws of Connecticut with its principal place of business located at One Tower Square, Hartford, Connecticut.¹

6. The amount in controversy in this action exceeds \$75,000 exclusive of interest and costs.

7. No change of citizenship of the parties has occurred since the commencement of the action.

8. Accordingly, this Court has original jurisdiction over this matter pursuant to 28 U.S.C. § 1332.

9. A copy of all process, pleadings and orders served upon Travelers, along with the Stipulation, is attached hereto as Exhibit "A" and filed with this notice.

¹ When originally filed, Plaintiff included a defendant sued as "The Traveler's Companies, Inc." There is no company by that precise name. While there is a parent company by the name of "The Travelers Companies, Inc." (four levels removed from defendant, and incorporated under the laws of Minnesota with its principle place of business in New York), said company does not issue insurance policies and, hence, did not issue any insurance contract potentially relevant to the insurance claim that is the subject of this action. Plaintiff, therefore, agreed to voluntarily discontinue her claim against the party sued as "The Traveler's Companies, Inc." and deem her complaint amended accordingly. (*see* the Stipulation). In any event, even if it had not been previously dismissed, it would not have been appropriate to take any said company into consideration for purposes of assessing diversity and removal. *See, e.g., Pampillonia v. RJR Nabisco, Inc.*, 138 F.3d 459, 460-61 (2d Cir. 1998) ("a plaintiff may not defeat ... diversity jurisdiction and a defendant's right of removal by merely joining ... parties with no real connection with the controversy").

10. This Notice of Removal is being filed within thirty (30) days after receipt by Travelers of the initial pleading setting forth the claim for relief upon which the action is based and is timely pursuant to 28 U.S.C. § 1446(b).

11. Promptly after the filing of this Notice of Removal, Travelers will give written notice thereof to Plaintiff's attorney of record and will file a copy of this Notice of Removal with the Clerk of the Supreme Court of the State of New York, New York County, thereby effecting removal of the Action pursuant to 28 U.S.C. § 1446(d).

WHEREFORE, since all of the prerequisites for diversity jurisdiction are present, Travelers respectfully requests that this action proceed in the United States District Court for the Southern District of New York as an action properly removed to it.

Dated: New York, New York
August 14, 2017

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